

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>KEVIN POWELL,</b>	:	
<b>Plaintiff</b>	:	<b>No. 1:12-cv-01684</b>
	:	
<b>v.</b>	:	<b>(Judge Kane)</b>
	:	
<b>JOHN E.WETZEL, et al.,</b>	:	<b>(Magistrate Judge Schwab)</b>
<b>Defendants</b>	:	

**ORDER**

**AND NOW**, on this 24th day of June 2014, **IT IS HEREBY ORDERED THAT**

Magistrate Judge Schwab's Report and Recommendation (Doc. No. 78) is **ADOPTED IN PART.**

**IT IS FURTHER ORDERED THAT:**

1. Defendant Wetzel is **DISMISSED** from the above-captioned action;
2. Defendants' motion to dismiss (Doc. No. 53) **IS GRANTED** with respect to Counts Two and Three of Plaintiff's amended complaint, and **DENIED** with respect to Counts One, Four, and Five of Plaintiff's amended complaint; and,
3. The above-captioned action is **REFERRED BACK** to Magistrate Judge Schwab for pretrial management, including the disposition of any pending motions.

S/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania